

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANNALEINE REYNOLDS,

No. C 10-04427 CRB

Plaintiff,

ORDER RESCHEDULING HEARING

v.

DAVE APPEGATE, et al.

Defendants.

Now pending is a Motion to Dismiss Plaintiff Annaleine Reynolds's amended complaint. See dckt. no. 18. The Court has just received Plaintiff's Opposition to that Motion. See dckt. no. 29. The Court has also received a "Notice of Stay of Proceedings" filed by Plaintiff, in which Plaintiff asserts that this litigation is stayed by Plaintiff's ongoing bankruptcy proceedings. See dckt. no. 25. The Court has determined that under In re Miller, 397 F.3d 726, 729 (9th Cir. 2004) and 11 U.S.C. § 362, this litigation, which was brought by Plaintiff, is not stayed. Accordingly, the litigation shall go forward. However, in light of pro se Plaintiff's misunderstanding of the law, which might have contributed to the untimely filing of her Opposition to Defendants' Motion, the Court will move the hearing date. Accordingly, the motion hearing now calendared for January 21, 2011 is hereby VACATED and RESCHEDULED for February 11, 2011 at the same time and place. Defendants shall

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1 have until January 21, 2011 to file their Reply, if any.

2 **IT IS SO ORDERED.**

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5 Dated: January 11, 2011

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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE